

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13cv116**

**PIPEFITTERS LOCAL NO. 636 DEFINED  
BENEFIT PENSION FUND, Individually and  
on Behalf of All Others Similarly Situated,**

**Plaintiff,**

**Vs.**

**FAMILY DOLLAR STORES, INC.  
HOWARD R. LEVINE, MARY A. WINSTON  
and MICHAEL K. BLOOM  
Defendant.**

**ORDER**

**THIS MATTER** is before the court on Plaintiff's Expedited Motion to Stay Response to Defendants' Motion to Dismiss. Plaintiffs request that the motion be stayed pending the appointment of a lead plaintiff and the filing of an amended complaint. Since the motion was filed, the court entered an Order (#32) appointing Plaintiff as Lead Plaintiff. As Defendants have filed a response and Plaintiff a reply, the motion is ripe for disposition.

Plaintiffs propose a briefing schedule which would provide the Amended Complaint to be filed within 45 days of the court's May 14, or, by July 1, and Defendant's response to be filed 45 days thereafter. Defendants' opposition essentially focuses on the extended briefing schedule proposed by Plaintiffs, and instead, citing Fed.R.Civ.P. 15(a)(1)(B), contend that the Amended Complaint should be filed by May 28, 2013.

While not unmindful of Defendants' desires to have this matter progress as quickly as possible, the court cannot see how granting Plaintiff's motion would cause Defendant any undue prejudice. Given the lenient standard provided in Rule 15(a)(2) for amendments after expiration of the 21 day period and the somewhat cumbersome nature of class action suits in their early

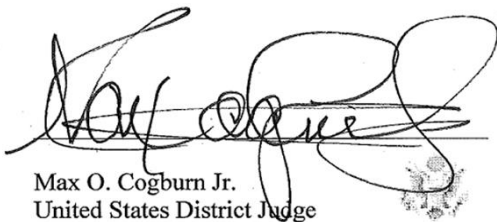
stages with the lead plaintiff procedures, the court finds good cause to allow the motion as follows.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's Expedited Motion to Stay Response to Defendants' Motion to Dismiss (#27) is **GRANTED** and the Motion to Dismiss (#16) is **STAYED**. The court will also grant the motion to the extent that it includes an inherent Motion to Amend the Complaint, as the time for an amendment as-of-right will expire on May 27. Finally, the court enters the following briefing schedule for this matter to proceed:

1. Within 30 days of the entry of this Order, Plaintiff's shall file its Amended Complaint.
2. Defendants shall file its Motion to Dismiss, if any, within 21 days of the filing of Plaintiff's Amended Complaint.
3. Plaintiff shall file its Opposition within 21 days thereafter.
4. Defendant shall file its Reply within 14 days thereafter.

Signed: May 23, 2013



Max O. Cogburn Jr.  
United States District Judge